

REMARKS

Claim Status

Claims 37 and 73 are currently amended to recite that the claimed system and computer program, respectively, comprise a mode for outputting instructions for collecting data on an identified characteristic of target samples. Written support for these amendments is in the original specification on page 5 (ll. 17-32), for example. These amendments follow from the Examiner's suggestions in the pending Office Action (p. 3, ll. 17-19) specifying what sort limitations would render the claims allowable. Hence, Applicants respectfully request the entry of these amendments, as they do not introduce any new issues that would require further consideration and/or search of the claims.

Claims 14, 50 and 86 are cancelled.

Claims 1-13, 15-36, 57-72 and 93-108 are deemed allowed in the pending Office Action. Applicants appreciate this notification of allowable subject matter.

Applicants respectfully submit that the foregoing amendments do not introduce any new subject matter to the application. With the present amendments, there are 105 claims pending, namely claims 1-13, 15-49, 51-85 and 87-108.

Claim Rejections – 35 USC § 101

Claims 37-49, 51-56, 73-85 and 87-92 remain rejected under 35 USC 101 as being drawn to non-statutory subject matter. The Examiner alleges that these claims “are not limited to computers or computer programs that produce a tangible result” (emphasis in original), and “do not require that a result is outputted to a user”. Applicants traverse this rejection for the following reasons.

Claims 37 and 73 as currently amended recite a mode by which the claimed systems yield output instructing users as to which characteristic should be collected from the target samples.

This output is based on manipulation of data entered into the system. In this manner, these claims require the production of a tangible result for which an action is to be taken by a user. In view of these remarks and the above amendments, Applicants respectfully submit that this rejection is overcome.

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In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. The Examiner is invited to contact the undersigned agent with any questions or comments relating to this application.

Applicants do not believe that a fee is due in relation to this response; however, the Commissioner is hereby authorized to charge any underpayment of fees to Howrey LLP Deposit Account No. 08-3038/11899.0250.NPUS00.

Respectfully submitted,



Dennis R. Chesire
Reg. No. 57452
Agent for Assignee
MONSANTO COMPANY

Customer No. 45607
HOWREY LLP
1111 Louisiana, 25th Floor
Houston, TX 77002
(713) 787-1400
Date: November 30, 2007